

**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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August 25, 2022

**VIA ECF**

Honorable Jesse M. Furman  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Petro Grytsyk v. City of New York, et al.,  
19 Civ. 03470 (JMF)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the defense of the above-referenced action. Defendants write to respectfully request an extension of time from August 29, 2022 until September 12, 2022 to file their motion for summary judgment as well as a similar adjustment of the deadline for plaintiff to file his opposition and for defendants to reply. Plaintiff's counsel, Alan Levine, Esq., consents to this request.

By way of background, plaintiff brings this civil rights action under 42 U.S.C. § 1983 alleging false arrest, malicious prosecution, excessive force, and *Monell* violations. Plaintiff is a street artist and vendor who, since 2010, has sold his artwork in front of 701 Seventh Avenue, between West 47th and West 48th Streets, in Manhattan. Plaintiff maintains that, because he is a First Amendment vendor, he is permitted to sell his artwork at that location and that he is not subject to vending time and place restrictions. (See Complaint, ¶ 57.) The defendants, various members of the New York City Police Department, have issued plaintiff summonses and/or arrested him for violating New York City's time and place vending restrictions as set forth in the City of New York's Administrative Code § 20-465 on several occasions, and maintain that he is not exempt from the restrictions. Defendants further maintain that there was probable cause for the summonses issued and the arrests made.

On May 10, 2022 Your Honor set the briefing schedule as follows: plaintiff's motion for summary judgment shall be due on June 7, 2022, defendant's opposition and cross-motion shall be due July 8, 2022, plaintiff's opposition and reply due August 6, 2022 and defendant's reply shall be due August 26, 2022. (See Civil Docket Entry dated May 10, 2022.) On June 2, 2022, plaintiff filed a letter explaining that he would not be filing a motion for summary judgment and instead would file a response in opposition to defendants' motion. (See Civil Docket Entry No. 150.) On July 22, 2022 Your Honor granted an additional extension until August 29, 2022 warning both parties that no additional extension should be expected. (See Civil Docket Entry No. 154.)

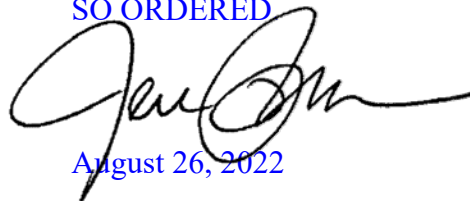
The undersigned sincerely and respectfully apologizes to this Court for asking for this further extension, but must do so in order to fulfill her obligations to her clients. The undersigned is well in the process of drafting the motion, but despite my best efforts, which have included cancelling necessary appointments, scheduled days off, and appearances at family obligations, additional time is still needed to complete the motion for summary judgment. As the Court is aware, defendants contemplate moving for summary judgment on plaintiff's *entire* complaint which involves the issuance of twenty-one (21) summonses on eighteen (18) separate dates, in addition to another date of incident which involves a formal arrest. In order to do so, defendants have had to amass hundreds of pages of documents, including depositions, decisions, and minutes from the underlying civil and criminal matters, regarding these total twenty-two incidents. Notably, much of this discovery was received, and the deposition of plaintiff was conducted, by prior defense counsel assigned to the matter. As such, this brief, and final, extension is needed to finalize the motion.

Accordingly, and **with plaintiff's counsel's consent**, defendants now respectfully request that the Court grant them until September 12, 2022, to submit their motion for summary judgment. The requested extension would set the new deadlines as follows for the remaining papers: plaintiff's opposition due October 11, 2022, and defendants' reply due November 1, 2022.

Defendants thank the Court for its time and attention in this matter.

Application GRANTED. There will be no further extensions of Defendants' motion deadline. The Clerk of Court is directed to terminate ECF No. 155.

SO ORDERED



August 26, 2022

Respectfully submitted,

KellyAnne Holohan /s/

KellyAnne Holohan  
Assistant Corporation

cc: **BY ECF**  
Alan D. Levine, Esq.

